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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,655	10/30/2003	Cathy D. Santa Cruz		7787

7590 02/17/2005
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EXAMINER

LOCKETT, KIMBERLY R

ART UNIT	PAPER NUMBER
2837	

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,655

Applicant(s)

SANTA CRUZ ET AL.

Examiner

Kim R. Lockett

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 9, 10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Newman.

Newman discloses the use of a finger ring(10) interconnected to a pick in combination for playing a musical instrument comprising: an adjustable finger ring(10) which defines a finger receiving receptacle there through; a tether(60) made from an elastic material (column 4, lines 60-65) having a first end and a second end; and a pick(30); said first end being removeably attached by a first attachment means onto said finger ring and having an opening for having a first end having an opening for slidably receiving the finger ring; a second end being removeably attached by a second attachment means onto said pick, whereby the finger ring, pick and tether are interconnected yet removeably attached together (see figure 3). Newman further discloses a tether with a central area, first and second intermediate areas with fasteners and first and second ends that form a loop for fastening and securing the ring and the pick. Newman also discloses the use of a tether that has a retracted and a nonretracted position (see figures 3&4) (column 4, lines 36-46).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Cotoia.

Newman does not disclose the use of an attachment comprising the first end of a string being manually to a ring.

Cotoia discloses the use of a device for holding and controlling a string-retained article where the first end of a string is manually to a ring (see figure 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ring as disclosed by Newman with the manually tied string as disclosed by Cotoia in order to control a string retained article.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Rowley.

Newman does not disclose the specific use of a gripping portion.

Rowley discloses the use of a guitar pick with a tether with first and second attachment means where second attachment means being attached onto a gripping

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member having an internal triangular shaped recess being of a shape and size to mate with the corner of the pick (see figure 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ring as disclosed by Newman with the gripping member as disclosed by Rowley in order to effectively control a pick surface.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Phillips.

Newman does not disclose the specific use of a gripping portion.

Phillips discloses the use of a guitar pick with magnet (26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ring as disclosed by Newman with the magnet as disclosed by Phillips in order to insure rapid and convenient removal and replacement of the pick.

5. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Group 2800 via the PTO 2800 Fax Center at 703-872-9306.

For assistance in **Patent procedure, fees or general Patent questions** calls should be directed to the **Patents Assistance Center (PAC)** whose telephone

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number is 800-786-9199. Assistance is also available on the Internet at www.uspto.gov.

Any inquiry concerning **this communication or earlier communications from the examiner** should be directed to **Kim Lockett whose telephone number is (703) 308-7615, after 2/3/04 my new number will be (571) 272-2067.** The examiner can normally be reached on Tuesday through Friday from 6:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107.


KIMBERLY LOCKETT
PRIMARY EXAMINER